UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,550	03/01/2004	Karl-Friedrich Laible	2001P14032WOUS	3749

46726 7590 05/12/2009

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER	
TRAN, HANH VAN	
ART UNIT	**PAPER NUMBER**
3637	

MAIL DATE	DELIVERY MODE
05/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/791,550	LAIBLE ET AL.	
	Examiner	Art Unit	
	HANH V. TRAN	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *30-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/2009 has been entered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: (1) the limitation in claim 30 of the destructible layer being formed of a "substantially incompressible material", (2) the limitation in claims 31 and 37 of the portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, (3) the limitation in claim 34 of the destructible layer being formed of a "substantially inelastic material".

Claim Objections

3. Claims 31-33, 35, and 37-39 are objected to because of the following informalities: claims 31 and 32 depending on canceled claim 29. Based on applicant's remark on page 9 that claims 31-33 depend from claim 30, and claims 35-39 depend on claim 34, and for the purpose of this examination, the examiner is considering that claims 31 and 32 each depends on claim 30, claim 35 depends on claim 34, claims 37 and 38 also depend on claim 34. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 30-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the specification fails to provide proper support for (1) the limitation in claim 30 of the destructible layer being formed of a "substantially incompressible material", (2) the limitation in claims 31 and 37 of the portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, (3) the limitation in claim 34 of the destructible layer being formed of a "substantially inelastic material".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 34-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34, line 6, "the reinforcing plate" lacks antecedent basis. Claim 36, line 2, "fastener" lacks antecedent basis.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 2,845,320 to Saunders et al in view of USP 6,036,293 to Anell, USP 6,471,313 to Ueda et al and USP 4,102,721 to Carey, Jr.

Saunders discloses a refrigerating appliance comprising all the elements recited in the above listed claims including a housing having a foam-filled hollow body comprising an inner wall, an outer wall spaced from the inner wall, the outer wall having an opening therethrough, a reinforcing plate 21 positioned on an inner side of the outer wall and coupled to the outer wall by a rivet fastener, the reinforcing plate 21 having a hole therethrough, the hole in the reinforcing plate 21 being aligned with the opening in the outer wall, foam insulation located between the inner wall and the outer wall, a hinge plate attached to the outer wall by a fastener that passes through the opening in the outer wall and that is coupled to the hole in the reinforcing plate by threaded screws. The differences being that Saunders fails to disclose the reinforcing plate coupled to the

outer wall by a clinch connection (instead of a rivet fastener), a destructible layer positioned between the reinforcing plate 21 and the outer wall so as to cover the hole in the reinforcing plate and the opening in the outer wall, the destructible layer being formed of the substantially incompressible material, the clinch connection causing a portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, wherein the fastener coupling the hinge plate to the outer wall pierces the destructible layer.

Anell teaches the idea of securing a reinforcing part 7 to the wall of the refrigerator housing by a clinch connection (col. 5, lines 2-6) in order to securely hold the reinforcing part 7 to the refrigerator housing wall. Ueda et al teaches the idea of providing a refrigerator housing wall with a destructible layer disposed between and directly in contact with a wall and a reinforcing part of a refrigerator housing in order to prevent foam heat-insulating material from escaping through openings in the housing and reinforcing part during filling of the foam heat-insulating material into the housing wall. Carey, Jr. also teaches the idea of providing an opening in the housing of a refrigerator with a destructible layer in order to prevent foam heat-insulating material from escaping through openings in the housing during filling of the foam heat-insulating material into the housing wall; wherein the destructible layer is formed of an incompressible/inelastic material.

Therefore, it would have been obvious to modify the structure of Saunders by having the reinforcing plate coupled to the outer wall by a clinch connection in order to securely hold the reinforcing part 7 to the refrigerator housing wall, as taught by Anell,

by providing a destructible layer positioned between the reinforcing plate 21 and the outer wall so as to cover the hole in the reinforcing plate and the opening in the outer wall in order to prevent foam heat-insulating material from escaping through openings in the housing and reinforcing part during filling of the foam heat-insulating material into the housing wall, as taught by Ueda, with the destructible layer being formed of the substantially incompressible material, as taught by Carey, Jr., since the references teach alternate conventional refrigerator housing structure, used for the same intended purpose, thereby providing structure as claimed. Further, it is inherent that the clinch connection of Saunders, as modified, would cause a portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, and the fastener coupling the hinge plate to the outer wall would pierce the destructible layer.

11. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 2,845,320 to Saunders et al in view of USP 6,471,313 to Ueda et al and USP 4,102,721 to Carey, Jr.

Saunders discloses a refrigerating appliance comprising all the elements recited in the above listed claims including a housing having a foam-filled hollow body comprising an inner wall, an outer wall spaced from the inner wall, the outer wall having an opening therethrough, a reinforcing plate 21 positioned on an inner side of the outer wall and coupled to the outer wall by a rivet fastener, the reinforcing plate 21 having a hole therethrough, the hole in the reinforcing plate 21 being aligned with the opening in the outer wall, foam insulation located between the inner wall and the outer wall, a hinge

plate attached to the outer wall by a fastener that passes through the opening in the outer wall and that is coupled to the hole in the reinforcing plate by threaded screws. The differences being that Saunders fails to disclose a destructible layer positioned between the reinforcing plate 21 and the outer wall so as to cover the hole in the reinforcing plate and the opening in the outer wall, the destructible layer being formed of the substantially incompressible material, the clinch connection causing a portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, wherein the fastener coupling the hinge plate to the outer wall pierces the destructible layer.

Ueda et al teaches the idea of providing a refrigerator housing wall with a destructible layer disposed between and directly in contact with a wall and a reinforcing part of a refrigerator housing in order to prevent foam heat-insulating material from escaping through openings in the housing and reinforcing part during filling of the foam heat-insulating material into the housing wall. Carey, Jr. also teaches the idea of providing an opening in the housing of a refrigerator with a destructible layer in order to prevent foam heat-insulating material from escaping through openings in the housing during filling of the foam heat-insulating material into the housing wall; wherein the destructible layer is formed of an incompressible/inelastic material.

Therefore, it would have been obvious to modify the structure of Saunders by providing a destructible layer positioned between the reinforcing plate 21 and the outer wall so as to cover the hole in the reinforcing plate and the opening in the outer wall in order to prevent foam heat-insulating material from escaping through openings in the

housing and reinforcing part during filling of the foam heat-insulating material into the housing wall, as taught by Ueda, with the destructible layer being formed of the substantially incompressible material, as taught by Carey, Jr., since the references teach alternate conventional refrigerator housing structure, used for the same intended purpose, thereby providing structure as claimed.

12. Claims 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders, as modified, as applied to claim 34 above, and further in view of USP 6,036,293 to Anell.

Saunders, as modified, discloses all the elements as discussed above except for the reinforcing plate coupled to the outer wall by a clinch connection (instead of a rivet fastener), the clinch connection causing a portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, wherein the fastener coupling the hinge plate to the outer wall pierces the destructible layer.

However, Anell teaches the idea of securing a reinforcing part 7 to the wall of the refrigerator housing by a clinch connection (col. 5, lines 2-6) in order to securely hold the reinforcing part 7 to the refrigerator housing wall. Therefore, it would have been obvious to modify the structure of Saunders, as modified, by having the reinforcing plate coupled to the outer wall by a clinch connection in order to securely hold the reinforcing part 7 to the refrigerator housing wall, as taught by Anell, since both teach alternate conventional refrigerator housing structure, used for the same intended purpose, thereby providing structure as claimed. Further, it is inherent that the clinch connection

of Saunders, as modified, would cause a portion of the destructible layer located at the clinch connection to be broken off and driven into a recess in the reinforcing plate, and the fastener coupling the hinge plate to the outer wall would pierce the destructible layer.

Response to Arguments

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH V. TRAN whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT
May 11, 2009

/Hanh V. Tran/
Primary Examiner, Art Unit 3637